

**PLANNING COMMISSION SITE PLAN REVIEW SHEET  
CONDITIONAL USE SITE PLAN APPROVAL**

**CASE NUMBER:** SPC-2011-0076C      **PLANNING COMMISSION DATE:** July 12, 2011  
**WATERFRONT PLANNING ADVISORY BOARD:** June 24, 2011

**PROJECT NAME:** Acton Business School

**ADDRESS OF APPLICATION:** 1404 E. Riverside Dr.

**AREA:** 2.66 Acres

**OWNER:** Acton School of Business % Lake Riverside Investments LP (Jeff Sandefer)  
515 Congress Ave., Ste. 1875  
Austin, TX 78701  
(512) 476-1559

**AGENT:** Waterstreet Engineering, Inc. (Matthew H. Moore)  
1803 East Cesar Chavez  
Austin, TX 78701  
(512) 472-0200

**CASE MANAGER:** Sue Welch      Telephone: 974-3294  
[Sue.Welch@ci.austin.tx.us](mailto:Sue.Welch@ci.austin.tx.us)

**PROPOSED DEVELOPMENT:**

The proposed development consists of two new buildings and other associated improvements. Currently the site is developed with one building for college/university use. The buildings will be used for a private primary educational facility (1<sup>st</sup> through 5<sup>th</sup> grade only).

**EXISTING ZONING:** MF-4-CO-NP/MF-6-CO-NP, LO-NP. The applicant is requesting a conditional use permit for Private Primary Educational Facility. Because the site is zoned MF-4/MF-6/LO-NP, this use is conditional in the zoning.

**SUMMARY STAFF RECOMMENDATION:** Staff recommends approval of the conditional use permit. The site plan will comply with all requirements of the Land Development Code prior to its release.

**ENVIRONMENTAL ADVISORY BOARD ACTION:** The EV Board's July 6<sup>th</sup> meeting was cancelled, and the applicant requested to proceed without a recommendation. The school is scheduled to open in August, and approval of the building permits is pending on site plan completion.

**WATERFRONT PLANNING ADVISORY BOARD ACTION:**

Provide a recommendation to the Land Use Commission for the approval of the conditional use permit per Land Development Code (LDC), Section 25-2-721(A)(3)

**PLANNING COMMISSION ACTION:**

**Related Case:** On April 24, 2007, Planning Commission: Acton Business School, SPC-06-0768C Conditional Use Permit (same location). Approved staff recommendation of a college/university facility for CUP (9-0).

**PROJECT INFORMATION:** proposed two new buildings with associated improvements

<b>SITE:</b> 2.66 acres	<b>Existing Use:</b> College & University Facilities		<b>Proposed Use:</b> Private Primary Educational Facility (for two new buildings)
<b>EXISTING ZONING</b>	MF-4-CO-NP/MF-6-CO-NP/LO-NP		
<b>WATERSHED</b>	Lady Bird Lake (Urban) Watershed		
<b>WATERSHED ORDINANCE</b>	Comprehensive Watershed Ordinance (Suburban)		
<b>TRAFFIC IMPACT ANALYSIS</b>	Not required		
<b>CAPITOL VIEW CORRIDOR</b>	Not in View Corridor		
<b>PROPOSED ACCESS</b>	Manlove Street		
	<b>Allowed</b>	<b>Existing</b>	<b>Proposed</b>
<b>BLDG. COV. /IMP. COV– MF-4</b>	60%/70%		11%/28%
<b>BLDG. COV. /IMP. COV– MF-6</b>	70%/80%		17%/59%
<b>BLDG. COV. /IMP. COV– LO</b>	50%/70%		7%/8%
<b>HEIGHT</b>		37' (2 Stories)	15' (1 story)
<b>PARKING</b>		41	41

**SUMMARY COMMENTS ON SITE PLAN:**

**Land Use:** The site currently has an approved conditional use permit for College and University Facilities; this plan was for two buildings, but only one was built. The applicant is proposing to construct two new buildings for private primary educational facility. Because of the zoning, a Conditional Use Permit is required. The proposed development will be on approximately 2.66 acres. The site plan will comply with all requirements of the Land Development Code prior to its release. Staff recommends approval of the conditional use permit.

The applicant is proposing to add two buildings with grades 1<sup>st</sup> through 5<sup>th</sup> and will limit enrollment to 38 students. The new buildings are subject to Subchapter E, and will be granted alternative equivalent compliance because of the existing development and the heritage size tree along E. Riverside Drive. The plan provides a shaded sidewalk on more than 50% of the principal street and over the walkways to the new classrooms. The existing parking lot is screened with trees and a continuous 5' fencing with brick columns, vegetation and a masonry wall. Currently the dumpsters are screened and any outdoor lightning shall be fully-shielded and full cut-offs in accordance with Commercial Design Standards.

**Waterfront Overlay**

In June 2009, City Council passed an ordinance to amend the district's development allowances, and to establish a Waterfront Overlay Board. According to LDC §25-5-143, the director shall request a recommendation from the Waterfront Planning Advisory Board to be presented to the Land Use Commission. Because the proposed use is conditional in the zoning, this site plan is considered a Conditional Use Permit, and must be approved by the Land Use Commission - Planning Commission in this case. According to §25-2-721, Planning Commission shall request a recommendation from the Environmental Board before approving or denying a site plan within the Waterfront Overlay combining district and shall consider the recommendation provided by the board.

This Project is located within the East Riverside Subdistrict of the Waterfront Overlay Combining District. The primary setback line is located 100 feet landward from the Town Lake shoreline; this tract is situated on a high bluff of the river bed. For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is 50 percent. The maximum height is the lower of 96 feet or the maximum height allowed in the base zoning district. The applicant is not proposing any development within the primary setback and is complying with the impervious coverage and building height requirements.

This project is in alignment with the Goals and Policies of the Waterfront Overlay Combining District. The goals include ensuring that zoning decisions in the Colorado River corridor achieve the highest degree of land use compatibility by eliminating industrial uses from the confluence of Longhorn Dam. Goals also strive to protect, enhance, and interpret natural values and environmentally sensitive areas of the Colorado River Corridor through appropriate mitigation for new development affecting identified landforms; and maintenance of natural shorelines and bluffs along the waterfront, except where otherwise required by subdistrict regulations or for necessary stabilization. The final goal of the District is to recognize the potential of the waterfront as an open space connector, form-shaper of urban development, and focal point for lively pedestrian-oriented mixed uses as defined by the subdistrict goals of the Town Lake Corridor Study.

**Environmental:** The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Town Lake watershed, which is classified as Urban and is located in the Desired Development Zone. No known Critical Environmental Features are located within the limits of construction.

**Transportation:** A traffic impact analysis was not required. Current vehicular access is available from Manlove Stree to East Riverside Drive.

**SURROUNDING CONDITIONS:**

**Zoning/ Land use:** MF-4-CO/MF-6/LO-NP

**North:** Lady Bird Lake

**East:** MF-3 (apartments)

**South:** ROW of East Riverside Drive

**West:** GO (under construction apartment building)

<u>Street</u>	<u>R.O.W.</u>	<u>Surfacing</u>	<u>Classification</u>
Riverside Drive	140'	varies	Arterial
Manlove	40'	35'	Neighborhood

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District

Austin Monorail Project

Austin Neighborhoods Council

Austin Parks Foundation

Crossing Garden Home Owners Assn.

Del Valle Community Coalition

East Riverside / Oltorf and Montopolis Neighborhood Planning Team

Home Builders Association of Greater Austin

Homeless Neighborhood Association  
League of Bicycling Voters  
Pleasant Valley Neighborhood Association  
PODER, People Organized in Defense of Earth & Her Resources  
Save Town Lake Organization  
Sierra Club, Austin Regional Group  
Southeast Austin Neighborhood Alliance  
Southeast Coalition  
South Central Coalition  
South River City Citizens Assn.  
Super Duper Neighborhood Objectors and Appealers Organization  
Real Estate Council of Austin  
Waterfront Condominium HOA

### **CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA**

The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states:

A. "The Land Use Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section."

**B. A Conditional Use Site Plan Must:**

1. **Comply with the requirements of this title;** Staff Response: This site plan complies with all regulations and requirements of the Land Development Code.
2. **Comply with the objectives and purposes of the zoning district;** Staff Response: The proposed building and uses are compatible with the abutting uses. It complies with setbacks required as well as height, building coverage and impervious coverage.
3. **Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;** Staff Response: The site plan will comply with all requirements of the zoning district.
4. **Provide adequate and convenient off-street parking and loading facilities; and** Staff Response: Adequate parking and loading facilities have been provided.
5. **Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects.** Staff Response: The site plan will comply with all requirements of the Land Development Code, and reasonably protects the health, safety, and welfare of persons and property.
6. **For conditional use located within the East Austin Overlay district, comply with the goals and objectives of a Neighborhood Plan adopted by the City Council for the area in which the use is proposed.** Staff response: The proposed project is in the Riverside Neighborhood Planning Area and is compliance with the future land use map.

**C. A Conditional Use Site Plan May Not:**

- 1. More adversely affect an adjoining site than would a permitted use;** Staff response: The site plan will conform with all regulations and standards established by the Land Development Code. This proposed site plan does not more adversely affect an adjoining site than would a permitted use.
  - 2. Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;** Staff response: The site plan is not anticipated to have any detriment of vehicular safety or convenience. The proposed development did not require a traffic impact analysis.
  - 3. Adversely affects an adjacent property or traffic control through the location, lighting, or type of signs;** Staff response: No signage or lighting is proposed that would affect adjacent properties or traffic control. All signs will comply with the Land Development Code.
  - 4. For a large retail use described in Section 25-2-813(Large Retail Uses), adversely affect the future redevelopment of the site.** Staff Response: Not a retail use.
- D.** A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.

§ 25-5-146 CONDITIONS OF APPROVAL.

(A) To make a determination required for approval under Section 25-5-145 (Evaluation Of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:

- (1) a special yard, open space, buffer, fence, wall, or screen;
- (2) landscaping or erosion;
- (3) a street improvement or dedication, vehicular ingress & egress, or traffic circulation;
- (4) signs;
- (5) characteristics of operation, including hours;
- (6) a development schedule; or
- (7) other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.